

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Linda Carter,
Respondent**

**Complaint Nos. 2018-8 &
2018-11**

ORDER

This matter having been heard before the Rhode Island Ethics Commission on March 26, 2019, pursuant to 520-RICR-00-00-3.16 Informal Disposition (1011), and the Commission having considered the Complaints herein, the arguments of counsel, and the proposed Informal Resolution and Settlement, which is incorporated by reference herein, it is hereby

ORDERED, ADJUDGED AND DECREED

THAT, the Commission approves the Informal Resolution and Settlement; and

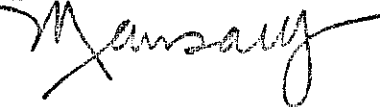
THAT, the Commission incorporates by reference herein the Findings of Fact and Admissions, and the Conclusions of Law, set forth in the Informal Resolution and Settlement; and

THAT, the Respondent violated R.I. Gen. Laws § 36-14-5(a) & (d) and 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004); and

THAT, the Respondent agrees that she shall henceforth recuse from the Pascoag Fire District Board of Fire Commissioners' approval of any and all bills payable where such bills include payments to herself, members of her family, or any business in which a family member has a financial interest, and she shall file notice of recusal with the Ethics Commission pursuant to R.I. Gen. Laws § 36-14-6; and

THAT, the Respondent is ordered to pay a civil penalty in the amount of Five Hundred Dollars (\$500).

ENTERED as an Order of this Commission,



Vice Chairperson

Dated: March 28, 2019

The Rhode Island Ethics Commission approved this Informal Resolution & Settlement at its March 26, 2019 meeting and imposed a civil penalty of \$500.

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Linda Carter,
Respondent**

**Complaint Nos. 2018-8 &
2018-11**

INFORMAL RESOLUTION AND SETTLEMENT

The Respondent, Linda Carter, and the Rhode Island Ethics Commission (“Commission”) hereby agree to a resolution of the above-referenced matter as follows:

I. FINDINGS OF FACT & ADMISSIONS

A. Approval of Fire District Bills Payable

1. The Respondent was first elected to the Board of Fire Commissioners (“Board”) for the Pascoag Fire District (“Fire District” or “District”), a municipal elected position, in September 2016, and has served continuously in said capacity at all times hereto relevant.

2. The Fire District is comprised of approximately 65 firefighters and/or emergency medical technicians (“EMT”), six of whom are paid employees and receive a firefighter salary. The others are volunteers who receive a stipend based on their fire response percentage, up to a \$500-per-year maximum.

3. In addition to the stipend, there is a paid-on-call (“POC”) program for EMS response by which responding volunteers receive per-alarm compensation. Further, all members of the Fire Department who respond to storm duty calls issued by the Fire Chief are paid for their hours worked. POC and storm duty compensation are in addition to receipt of the annual stipend.

4. Both prior and subsequent to her election, the Respondent has served as a volunteer firefighter and as an EMT in the District.

5. At all relevant times, the following members of the Respondent's family served as District volunteer firefighters: 1) Keith Carter, the Respondent's spouse, who was appointed as Deputy Fire Chief in February 2017; 2) Nicholas Carter, the Respondent's son; 3) Brianna Carter, the Respondent's daughter; and 4) Kevin J. Carter, Jr., the Respondent's nephew.

6. Harold Carter, III, the Respondent's brother-in-law, was appointed as District Fire Chief in September 2016 and has served continuously in said capacity.

7. Kevin J. Carter, the Respondent's brother-in-law, is the President of Carter Bros., Inc., a Pascoag, Rhode Island based corporation providing heating installation and oil delivery service.

8. During the period of September 2016 through May 2018, bills payable were presented to the Fire District Board for approval of payment at monthly Board meetings. Individual lists prepared for each category of bills, which include Administrative bills, Fire & Rescue bills, and Manual Checks, specified the individuals/vendors to be paid and the respective amounts of payment. At each meeting hereto relevant, the Board took a single vote to approve the payment of all bills payable.

9. On September 13, 2016, the Respondent participated in the Board's vote to approve bills payable for August 2016, which included payments issued to the Respondent, Keith Carter, and Nicholas Carter for POC duty. Said bills also included payments issued to the Respondent and Keith Carter for an EMT shift and a driver shift, respectively.

10. On October 18, 2016, the Respondent participated in the Board's vote to approve bills payable for September 2016, which included a payment of \$50.62 to Carter Bros. for "flush valves."

11. On February 14, 2017, the Respondent participated in the Board's vote to approve bills payable for January 2017, which included payments issued to Keith Carter and Harold Carter for POC duty.

12. On March 21, 2017, the Respondent participated in the Board's vote to approve bills payable for February 2017, which included a payment of \$350.00 to Carter Bros. for furnace repairs to Hose #2.¹

13. On May 9, 2017, the Respondent participated in the Board's vote to approve bills payable for April 2017, which included payments issued to the Respondent, Keith Carter, Harold Carter, Nicholas Carter, and Brianna Carter for storm duty. Said bills also included payments issued to Keith Carter and Harold Carter for POC duty.

14. On November 14, 2017, the Respondent participated in the Board's vote to approve bills payable for October 2017, which included a payment issued to Harold Carter for POC duty and approval of the Yearly Stipend for volunteers, which was earned by all members of her family.

15. On March 20, 2018, the Respondent participated in the Board's vote to approve bills payable for January and February 2018, which included payments issued to Harold Carter and Nicholas Carter for storm duty.

16. On May 8, 2018, the Respondent participated in the Board's vote to approve bills payable for April 2018, which included a payment of \$3,500 to Carter Bros. for the replacement of a circulator pump at Hose #2.

¹ The 2 District fire stations are referred to as Hose #1 and Hose #2.

B. Appointment of Business Associate

1. On September 17, 2018, the Respondent participated in the Fire District Board's vote to appoint Albin Moser, Esq. as legal counsel to the District.
2. At the time of said vote, Attorney Moser was the Respondent's counsel of record in the instant Complaint No. 2018-8 before the Ethics Commission.²

II. CONCLUSIONS OF LAW

A. Approval of Fire District Bills Payable

1. As a municipal elected official, the Respondent was at all relevant times subject to the Rhode Island Code of Ethics in Government, pursuant to R.I. Gen. Laws § 36-14-4(1).
2. By voting to approve the payment of Fire District bills on various dates set forth supra, which included payments issued to herself, the Respondent violated R.I. Gen. Laws § 36-14-5(a) & (d).
3. By voting to approve the payment of Fire District bills on various dates set forth supra, which included payments issued to her family members, the Respondent violated 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004).
4. By voting to approve the payment of Fire District bills on various dates set forth supra, which included payments issued to Carter Bros., her brother-in-law's company, the Respondent violated 520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004).

B. Appointment of Business Associate

1. As a municipal elected official, the Respondent was at all relevant times subject to the Rhode Island Code of Ethics in Government, pursuant to R.I. Gen. Laws § 36-14-4(1).

² Attorney Moser resigned as legal counsel to the District in November 2018.

2. At the time of Attorney Moser's September 2018 appointment as legal counsel to the Fire District, the Respondent and Attorney Moser were business associates pursuant to R.I. Gen. Laws § 36-14-2(3).

3. By voting to appoint Attorney Moser as legal counsel to the Fire District, on September 17, 2018, the Respondent violated R.I. Gen. Laws § 36-14-5(a) & (d).

III. SETTLEMENT

Pursuant to the above Findings of Fact and Conclusions of Law, the parties hereby agree, subject to the approval of the Commission, to the following, pursuant to R.I. Gen. Laws § 36-14-13(d) and 520-RICR-00-00-3.16 Informal Disposition (1011):

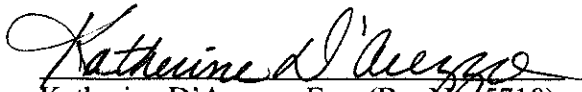
1. The Commission shall enter an Order and Judgment adopting the Findings of Fact, Conclusions of Law and terms of the Settlement herein.

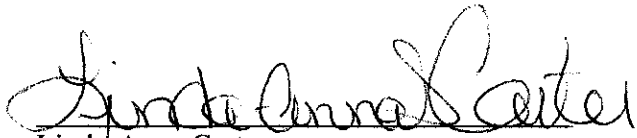
2. The Respondent agrees that, pursuant to the above Findings of Fact and Conclusions of Law, the Prosecution will recommend the imposition of a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500).


3. The Respondent agrees to the payment of a civil penalty in an amount not to exceed One Thousand Five Hundred Dollars (\$1,500). The Respondent reserves the right to argue for the imposition of a lesser penalty.

4. The Respondent further agrees that she shall henceforth recuse from the Fire District Board's approval of any and all bills payable where such bills include payments to herself, members of her family, or any business in which a family member has a financial interest. Notice of recusal shall be filed with the Ethics Commission pursuant to R.I. Gen. Laws § 36-14-6.

5. The above terms represent the full and complete Informal Resolution and Settlement for Complaint Nos. 2018-8 & 2018-11.


Katherine D'Arezzo, Esq. (Bar No. 5710)
Commission Prosecutor
Dated: 3/22/19


Linda-Anna Carter
Respondent
Dated: 3-13-2019


Albin Moser, Esq. (Bar No. 6166)
Respondent's Counsel
Dated: 3/19/2019